

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MOSES ELECTRIC SERVICE, INC., **PLAINTIFF,**
VS. **CIVIL ACTION NO. 4:05CV236-P-B**
INMAN CONSTRUCTION CORP., **DEFENDANT.**

CONSOLIDATED WITH

BOYLES ROOFING & SHEET METAL, INC., **PLAINTIFF,**
VS. **CIVIL ACTION NO. 4:05CV237-P-B**
INMAN CONSTRUCTION CORP., **DEFENDANT.**

CONSOLIDATED WITH

**NICHOLAS ACOUSTICS & SPECIALTY
COMPANY,** **PLAINTIFF,**
VS. **CIVIL ACTION NO. 4:05CV238-P-B**
INMAN CONSTRUCTION CORP., **DEFENDANT.**

ORDER

This matter comes before the court upon Defendant's Motion to Reconsider or, in the Alternative, to Alter Final Judgment [32-1]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

The defendant moves the court to reconsider or alter its June 27, 2006 Final Judgment compelling arbitration of the defendant's underlying claims in state court against the three plaintiffs in one of three ways: (1) to reflect that this court retains jurisdiction of all three actions in order to enforce any award that may be entered in arbitration proceedings; (2) to order the plaintiffs to

participate in mediation ordered by the Circuit Court of Leflore County, Mississippi; or, alternatively, (3) to allow the state court to retain jurisdiction to enforce any arbitration award.

The defendant's request to alter the Final Judgment to reflect that this court retains jurisdiction to enforce an arbitration award should be denied as moot. In the event such enforcement is necessary, any party may move this court to reopen the case for enforcement of any award pursuant to the Federal Arbitration Act.

The next two requests should be denied as contrary to clearly established law.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's Motion to Reconsider or, in the Alternative, to Alter Final Judgment [32-1] is **DENIED**.

SO ORDERED this the 24th day of July, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE